

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UFCW LOCAL 174 COMMERCIAL HEALTH CARE
FUND et al.,

Plaintiffs,

-v-

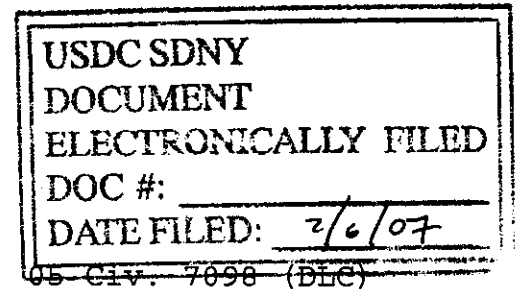
HOMESTEAD MEADOWS FOOD CORP. et al.,

Defendants.

DENISE COTE, District Judge:

PROCEDURAL HISTORY

Plaintiffs filed this lawsuit on August 10, 2005, seeking to enforce a judgment. Having denied a motion to dismiss on December 29, 2005, this case was referred to Magistrate Judge Michael Dolinger to resolve a fully submitted preliminary injunction motion. In a conference on the record before Magistrate Judge Dolinger on January 12, 2007, plaintiffs confirmed their agreement to dismiss their claims with prejudice and intervenor-defendant Washington Mutual Bank confirmed its agreement to dismiss its counterclaim with prejudice. On that day, Magistrate Judge Dolinger filed a Report and Recommendation recommending that all claims in this case, including cross-



MEMORANDUM OPINION
AND ORDER

claims and counterclaims, be dismissed with prejudice and that the pending motion to dismiss filed by United Heritage Company be denied as moot. As indicated by Judge Dolinger in his Report and pursuant to Rule 72, Fed. R. Civ. P., the parties had ten days in which to file objections to the January 12 Report. No objections by any party have been filed to date.

THE STANDARD

In reviewing the Report, I "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Urena v. People of the State of New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). See also Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991) (court may accept report if it is "not facially erroneous").

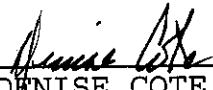
DISCUSSION

Having reviewed the Report, I find no facial errors in it. I, therefore, accept and adopt the Report. The Clerk of Court shall dismiss all claims and counterclaims with prejudice and

close this case. The motion to dismiss by United Heritage Company, docket document numbers 62 and 73, is denied as moot.

SO ORDERED:

Dated: New York, New York
February 6, 2007



DENISE COTE
United States District Judge